



412
10-15-01
P.2.

PATENT
Attorney Docket No.: ST94037A-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Serge CARILLO *et al.*

Appl. No.: 09/405,920

Filed: September 24, 1999

For: METHOD OF CANCER TREATMENT BY
P53 PROTEIN CONTROL

Art Unit: 1632

Examiner: A. Beckerleg

RECEIVED

OCT 12 2001

TECH CENTER 1600/2900

Commissioner for Patents
Washington DC 20231

REQUEST TO WITHDRAW NOTICE OF ABANDOMENT

Applicants received a Notice of Abandonment dated October 3, 2001. This Notice was sent in error. Applicants respectfully request withdrawal of the Notice of Abandonment for the reasons stated below. If necessary applicants petition the Commissioner to reinstate or revive this application and direct that any required fees be taken from Deposit Account No. 50-1129.

The Notice of Abandonment states that no timely response to the Office letter of March 28, 2000, was received. (Applicants point out that the correct date is March 28, 2001, as there is a Paper No. 8 Office Action mailed on that date but no Office correspondence dated March 28, 2000.) However, applicants timely filed a Reply to Office Action (Paper No. 8), including the appropriate Request for Extension of Time and fee on September 28, 2001. Applicants enclose (as Exhibit 1) the material filed in response to the March 28, 2001, Office Action, and the date-stamped postcard indicating the Patent Office received the material on September 28, 2001.

The Notice of Abandonment was sent in error through no fault of the applicants. Therefore, no fees or petitions or request are required to keep this application pending or revive

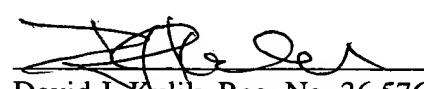
PATENT
Serial No. 09/405,920
Attorney Docket No.: ST94037A

it. If necessary, Applicants authorize the Commission to take any fees required from Deposit Account No. 50-1129 in order to petition or request any action to reinstate or revive this application.

Respectfully submitted,
Wiley Rein & Fielding LLP

Date: October 11, 2001

By:


David J. Kulik Reg. No. 36,576
Floyd B. Chapman Reg. No. 40,555

Wiley Rein & Fielding LLP
Intellectual Property Department
1776 K Street NW
Washington, D.C. 20006
Telephone: 202.719.7000
Facsimile: 202.719.7049



UTILITY

PATENT

Application No.: 09/405,920

Filing

Date: March 28, 2000

Client/Matter No.: 80375.0033

Docket No. ST94037A

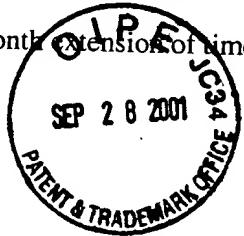
Inventor(s): CARILLO et al.

Atty/Sec.: DK/fj/jaf

Title: Method of Cancer Treatment by P53 Protein Control

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- Reply to Office Action, three-month extension of time, Appendix A, (9 total pages)
- Fee Transmittal Form
- Transmittal Form
- Check No. 142566 for \$890.00





PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

11

Application Number

09/405,920

Filing Date

September 24, 1999

First Named Inventor

CARILLO et al.

Group Art Unit

1632

Examiner Name

A. Beckerleg

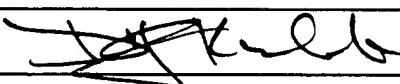
Attorney Docket Number

ST94037A-US

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

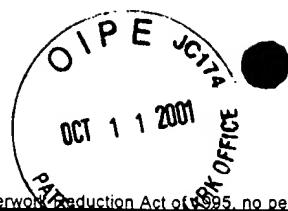
Firm or Individual name	David J. Kulik, Wiley Rein & Fielding, LLP
Signature	
Date	September 28, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

Typed or printed name		
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 890.00)

Complete if Known	
Application Number	09/405,920
Filing Date	September 24, 1999
First Named Inventor	CARILLO et al.
Examiner Name	A. Beckleg
Group Art Unit	1642
Attorney Docket No.	ST94037A-US

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number **50-1129**
- Deposit Account Name **David J. Kulik**
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20**	= <input type="text"/> X <input type="text"/> = <input type="text"/>	
Multiple Dependent	- 3**	= <input type="text"/> X <input type="text"/> = <input type="text"/>	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	890.00
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$ 890.00)

*or number previously paid, if greater; For Reissues, see above

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 890.00)

SUBMITTED BY

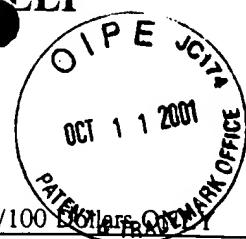
Complete (if applicable)

Name (Print/Type)	David J. Kulik	Registration No. (Attorney/Agent)	36,576	Telephone	202.719.7000
Signature				Date	Sept. 28, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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WILEY REIN & FIELDING LLP
 1776 K Street, N.W.
 Washington, DC
Operating Account



142566

Date	Amount
09/27/2001	*****890.00

Pay Eight Hundred Ninety and 00/100 Dollars

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Barry L. Strauss
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142566 0540012041 000003702987

Attached is our check in full settlement of items shown hereon. If not correct, please return with explanation or call us at (202)719-7512.

No. 142566

Check Date 09/27/2001

Description	Date	Invoice No.	Amount of Invoice	Discount	Net
U.S PATENT/TRADEMARK FEE	09/27/2001		890.00	.00	890.00
Total					890.00